

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of:)	
Misuse of Internet Protocol (IP))	
Captioned Telephone Service)	CG Docket No. 13-24
Telecommunications Relay Services and)	CG Docket No. 03-123
Speech-to-Speech Services for Individuals)	
with Hearing and Speech Disabilities)	

**Reply Comments (Further Notice of Proposed Rulemaking) of
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Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI)
National Association of the Deaf (NAD)
Association of Late-Deafened Adults (ALDA)
Cerebral Palsy and Deaf Organization (CPADO)
American Association of the Deaf-Blind (AADB)
Deaf Seniors of America (DSA)
California Coalition of Agencies Serving the Deaf and Hard of Hearing, Inc. (CCASDHH)
Deaf/Hard of Hearing Technology Rehabilitation
Engineering Research Center (DHH-RERC)
Rehabilitation Engineering Research Center on Inclusive ICT (IT-RERC)**

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Discussion

The Hearing Loss Association of America (HLAA), Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI), the National Association of the Deaf (NAD), the Association of Late-Deafened Adults (ALDA), the Cerebral Palsy and Deaf Organization (CPADO), the American Association of the Deaf-Blind (AADB), Deaf Seniors of America (DSA), and the California Coalition of Agencies Serving the Deaf and Hard of Hearing, Inc. (CCASDHH) (“Consumer Groups”) and the Deaf/Hard of Hearing Technology Rehabilitation Engineering Research Center (DHH-RERC) and the Rehabilitation Engineering Research Center on Inclusive ICT (IT-RERC) respectfully reply to comments submitted in response to the Commission’s Further Notice of Proposed Rulemaking (“2019 FNPRM”) in the above-referenced docket.¹

In the FNPRM, the Commission sought comment on the proposal that providers submit unique account identifiers with call detail reports.² Commenters expressed concerns about the privacy and ease of access burdens this proposed method places on consumers, and we suggested a more privacy protective approach that will allow the Commission to achieve its goal of monitoring for wasteful conduct.

The Commission also sought comment on whether the TRS Fund should compensate minutes used by new and porting IP CTS users for up to two weeks while user registration is pending.³ With the exception of a lone commenter who believes this change is unnecessary, this proposal has overwhelming support on the record and will allow people who need IP CTS to access the service as soon as possible with no risk of illegitimately burdening the TRS Fund.

Finally, the Commission sought comment on changing the nature of CA involvement during 9-1-1 calls for IP CTS calls that use the internet, rather than the legacy telephone system.⁴ Before the

¹ *Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services, and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, Declaratory Ruling, Further Notice of Proposed Rulemaking, and Notice of Inquiry, CG Docket Nos. 13-24, 03-123 (Feb. 15, 2019) (“FNPRM”).

² FNPRM at ¶ 33.

³ FNPRM at ¶ 34-35.

⁴ FNPRM at ¶ 36-39.

Commission proceeds with adopting the proposals, it should first consult with providers and consumers to find a solution that does not repeat the problems present during 9-1-1 calls using the VRS program.

I. The record reflects that the Commission should carefully consider the consumer burden of submitting unique account identifiers with call detail reports.

As we explained in our FNPRM comments, the Commission can achieve the goal of monitoring for waste, fraud, and abuse without collecting personally identifiable call log data.⁵ This approach would require providers to assign the unique account identifiers used in call detail reports and necessitate the account identifier not including Personally Identifiable Information (PII).⁶

Hamilton Relay and CaptionCall suggest that IP CTS providers should choose the identifier and have flexibility to determine what the unique account identifier should be.⁷ While we agree that providers, rather than the Commission, should assign identifiers, we disagree that providers should have flexibility in choosing the identifier. To separate the information in the TRS database from individual call logs, providers cannot have total flexibility in assigning unique account identifiers. Rather than flexibility, providers should assign a random number to each user that the Commission cannot directly or indirectly tie back to specific users.

Hamilton Relay recommends that the Commission encourage IP CTS providers to choose an identifier that does not use PII.⁸ Further than merely encouraging non-identifiable identifiers, the Commission should require that providers use non-identifiable numbers and letters for the unique account identifier. Providers' internal records will indicate which user is associated with each

⁵ Comments of Consumer Groups, CG Docket Nos. 13-24, 03-123 at 8-13 (April 15, 2019) ("Consumer Group Comments") <https://www.fcc.gov/ecfs/filing/104160181304548>.

⁶ *Id.*

⁷ Comments of CaptionCall, LLC, CG Docket Nos. 13-24, 03-123 at 5 (April 15, 2019) ("CaptionCall Comments") <https://www.fcc.gov/ecfs/filing/1041521589537>.

⁸ Comments of Hamilton Relay, CG Docket Nos. 13-24, 03-123 at 2 (April 15, 2019) ("Hamilton Relay Comments") <https://www.fcc.gov/ecfs/filing/1041557008737>.

number, but the call detail report submissions should not allow the Commission to have all call log information about every IP CTS user along with their identity.

ASHA's comments rightly inquire about the burden the unique identifier will have on consumers when placing an IP CTS call.⁹ The Commission should prioritize the burden on consumers when changing the amount of information it collects from people who use IP CTS. If incorporating the unique account identifier will inhibit users from accessing IP CTS, the Commission should reconsider this proposal. As the Commission considers implementing the unique account identifier requirement, it should carefully consider both the burden on users' privacy and any burden the rules may place on a person placing an IP CTS call. If the requirement burdens consumers, the Commission should consider different means for investigating the increase in IP CTS minutes that does not hinder legitimate users' civil rights to accessibility and privacy.

II. The record supports allowing IP CTS access while user registration is pending.

As our recent *ex parte* explains and our initial comments on the FNPRM reiterate, the Commission should allow users to access IP CTS while registration is pending.¹⁰ This policy change will allow people who need the service to use it without the risk of burdening the TRS Fund, because providers are not compensated unless the user's registration is ultimately verified. The providers who commented in this proceeding uniformly support this approach.¹¹

ClearCaptions points out that the compensation period should be longer than two weeks when porting users from another provider while waiting for re-verification.¹² If re-verification takes longer

⁹ Comments of American Speech-Language-Hearing Association, CG Docket Nos. 13-24, 03-123 at 1-2 (April 15, 2019) ("ASHA Comments") <https://www.fcc.gov/ecfs/filing/10415260117672>.

¹⁰ *Ex Parte* of HLAA & TDI, CG Docket Nos. 13-24, 03-123 (Feb. 7, 2019) <https://www.fcc.gov/ecfs/filing/10207931118065>; Consumer Group Comments at 13.

¹¹ CaptionCall Comments at 2-3; Comments of ClearCaptions, CG Docket Nos. 13-24, 03-123 at 2 (April 15, 2019) ("ClearCaptions Comments") <https://www.fcc.gov/ecfs/filing/10415070941683>; Hamilton Relay Comments at 2.

¹² ClearCaptions Comments at 2.

than two weeks, the Commission should reconsider this limitation to ensure that existing users are not penalized for changing providers.

ASHA questions whether this change is warranted in the first instance.¹³ However, as our ex parte explains, any delay for people who need IP CTS to communicate effectively over the telephone will hinder legitimate use to no productive end. The risk of waste is minimized by only compensating minutes used by users who are eventually verified without any increased inefficiency. Furthermore, ASHA's recommendation relies on the assumption that the Commission adopts its Best Practices guide, which raises its own concerns that these practices can appropriately determine need and eligibility for IP-CTS.¹⁴

III. The record suggests that the Commission should more carefully consider the implications of altering the 9-1-1 rules before adopting the proposed changes.

As our comments explain, the Commission's proposal to alter 9-1-1 call connection rules would not necessarily expedite emergency calls because it replaces a CA-as-intermediary reconnection model with a new model that will require providers to implement a complex automated call-routing and number provisioning system.¹⁵ Rather than increasing emergency call efficiency, this plan may create the illusion of solving a problem without actually providing any benefit.

More specifically, the Commission's proposal would require that IP CTS providers transmit a telephone number to the PSAP if a 9-1-1 call is disconnected.¹⁶ The call would then be routed through the IP CTS provider's call-routing system.¹⁷ But a similar structure used in the VRS program has led to wait times of up to several minutes while the provider reconnects the call.¹⁸

¹³ ASHA Comments at 2.

¹⁴ ASHA Comments at 2.

¹⁵ Consumer Group Comments at 14-15; FNPRM at ¶ 36-40.

¹⁶ FNPRM at ¶ 38.

¹⁷ *Id.* at 39.

¹⁸ Consumer Group Comments at 14.

Though IP CTS providers note that NANP numbers are already assigned to web-based IP CTS users, this does not mean the Commission should adopt the proposed changes.¹⁹ While we agree with providers that involving CAs in disconnected 9-1-1 calls may not represent the ideal solution, the proposed changes raise new concerns that may lead to similar or worse problems.

As ASHA importantly notes, the Commission should work with consumers when changing emergency call rules.²⁰ Consumers are best-suited to help the Commission ensure that the problems present in VRS do not repeat for IP CTS users. The Commission should not move forward with implementing the proposed solution unless it guarantees that IP CTS emergency calls are answered at a speed consistent with national standards.²¹ Inferior emergency call connection times are impermissible under Section 225's mandate that TRS provide "functionally equivalent" telecommunication service.²²

¹⁹ Hamilton Relay Comments at 6-7; CaptionCall Comments at 3; ClearCaptions Comments at 2.

²⁰ ASHA Comments at 2.

²¹ See Consumer Group Comments at 14-15.

²² See 47 U.S.C. § 225(b)(1) & (a)(3).